IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 9276 of 2002

Between:

1. Sree Srinivasa Engg. Works, Ravindranagar,

Nalgonda, rep. By its Proprietor, V.Srinivas.

2. D.Srinivasulu, s/o D.Mallaiah, aged 32 years,

R/o Nakrekal village and lMandal, Nalgonda District.

3. Sushee Electrical Works, Nethajinagar, Mehdipatnam,

Hyderabad, rep. By its proprietor, P.Venkat Reddy.

4. Mallikarjuna Engineering Works, Gandhinagar,

Ramgiri, Nalgonda District, rep. By its proprietor,

T.Sudhakar.

5. Suresh & Ramesh Enterprises, R.P. Road,

Nalgonda, rep. By its Prop: M.P.Satyanarayana.

6. Sri Srinivasa Electrical Works, Ravindranagar,

Nalgonda District, rep. By itsProprietor, B.Venu.

7. R.K.Enterprises, Aarjala Babi, Nalgonda District,

rep. By its Managing Partner, K.Srinivas.

8. Nalla Venkat Reddy, s/o N.Raghupathi Reddy,

aged 27 years, r/o Kukudpamula, Ramannapet Mandal,

Nalgonda District.

9. B.Srinivas Rao, s/o Adinarayana, aged 40 years, r/o Nagarjuna

Colony, Ramagiri Nalgonda District.

10.M/s New Balaji Electrical and Radio Works,

Prakasam Bazar, Nalgonda District, rep. By its

Proprietor, Lakshman Rao Neemkar.

11.Sri Panduranga Electrical Works and Contractors, Gandhinagar, Ramagiri, Nalgonda, rep. By its Prop: M.Venkata Veera Bhadra Rao.

12.Sri Krishna Electrical & engineering works, Church road,

Miryalguda, Nalgonda District, rep. By Proprietor,

G.Lakshmikanth.

13.Masana Anjaiah, s/o Venkataiah, aged 49 years,

R/o Devarakonda, Nalgonda District.

14.J.K.Enterprises, Ramagiri, Nalgonda District,

rep. By Prop: Gummala Mohan Reddy.

15.Maduri Electrical Works, Santoshnagar,

Miryalguda, Nalgonda district, rep. By its

Proprietor, V.Srinivas.

16. Narendra Electrical Works, APHB Colony, Nalgonda
District, rep. By Proprietor: D.Narender Reddy.

17.Srinivasa Electricals, Uppal Road, Hyderabad,
rep. By Proprietor, Samudrala Srinivas.

18.Surukanti Narasimha Reddy, s/o Shai Reddy, aged 28 years,
R/o Velminedu village, Chityal Mandal, Nalgonda District.

19.B.Bangar Reddy, s/o Ram Reddy, aged 23 years, R/o Kisan
Nagar, Bhongir, Nalgonda District.

20.Sree Venkatasai Electrical Works, Suryapet, Nalgonda District,
rep. By Proprietor, Ganta Somaiah.

21.Neevitha Enterprises, Suryapet, Nalgonda District, rep. By its
Prop:Y.Venu.

22.Chaithanya Engg. Works, Municipal Quarters, Nalgonda, rep.
By Prop. T.Kalinga Rao.

23.Premier Engg. Company, Suryapet, Nalgonda District, rep.
By its Managing Partner K.Nagabhushanam.

..... PETITIONERS

AND

1. A.P.Central Power Distribution company Limited
(APCPCL) having its office at Singareni Bhavan,

Hyderabad through its Chairman & Managing Director.

2. The Superintending Engineer, Operation, APCPDCL,
Nalgonda at Nalgonda.

3. The Divisional Engineer, Electrical Operation,
APCPDCL, Bhongir, Nalgonda District.

4. The Divisional Engineer, Electrical Operation,
APCPDCL, Suryapet, Nalgonda District.

5. The Divisional Engineer, electrical Operation,
APCPDCL, Miryalguda, Nalgonda district.

6. The Divisional Engineer, Electrical Operation,
APCPDCL, Nalgonda, Nalgonda district.

7. A.P.Productivity Council through its Secretary
at Banjara Hills, Hyderabad.

8. Society for Employment Promotion and Training
in Twin Cities (SETWIN), a Govt. of A.P. Society,
at Purani Haveli, Hyderabad, through its Chairman and
Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondent Nos.1 to 6 in awarding the works relating to Operation and Maintenance of 33/11 KV sub-stations w.e.f. 1.6.2002 onwards on rate contract basis in favour of the respondent Nos.7 & 8, as illegal, arbitrary and

discriminatory by directing the respondents to continue the petitioners for operation and maintenance works of 33/11 KV sub-stations on contract basis; award costs.

Counsel for the Petitioners: MR.K.RAGHUVEER REDDY

Counsel for the Respondents: SMT.VINOBHA DEV, STANDING COUNSEL FOR AP TRANSCO

The Court made the following:

ORDER:

Heard Sri K.Raghuveer Reddy, learned counsel for the petitioner and Smt. Vinobha Devi, learned Standing Counsel for the Respondents Corporation.

2. The petitioners claim to be diploma holders, who are existing contractors, entrusted with contract works of maintenance of 33/11 KV sub-stations in Nalgonda Circle of the Respondents Corporation. Pursuant to the Board proceedings in B.P. (P & G-Per) MS.No.163 dated 24.6.1993 a policy was evolved by the erstwhile Board of the A.P.S.E.B. whereby works of operation and maintenance of 33/11 KV sub-stations should be awarded to unemployed diploma/graduate Electrical Engineers. Petitioners came to be identified for award of works under such dispensation since January, 1996. Thereafter, on an apprehension that the respondent corporation is proceeding to award these maintenance works in favour of respondents 7 and 8 viz., A.P. Productivity council and SETWIN, the writ petition is filed.

3. Contending that identifying only respondents 7 and 8 for award of the works is illegal, arbitrary and constitutes hostile discrimination, the writ petition is filed. Admittedly, no decision was taken to award the works to respondents 7 and 8. No proceedings in that respect were issued as on the date of filing of the writ petition.

4. In the counter affidavit filed by the first respondent, however it is pleaded that in a meeting held on 11.04.2002 between Superintending Engineer (Operation) under the aegis of the Chairman and Managing Director of the APCPDCL it was proposed to award the work of operation and maintenance of 33/11 KV sub-stations to the A.P. Productivity Council and SETWIN. The counter affidavit states that as the A.P. Productivity Council is a Government organization and its performance in other contracts awarded to it by the first respondent corporation was seen to be

satisfactory, it was identified as one of the organizations, which could be awarded the maintenance contracts also.

5. In view of the interim order granted by this Court, however, the petitioners continue to function as maintenance contractors. Learned Standing Counsel for first respondent corporation would submit that now a decision has been taken to award maintenance contracts in respect of 33/11 KV sub-stations by calling for open tenders. In view of this change in policy, whatever grievance that has been urged by the petitioners does not survive. When the tender notification is issued, the petitioners if qualified, could compete for award of the works.

6. In view of the subsequent developments, the writ petition has become infructuous and is accordingly dismissed. No costs.

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GODA RAGHURAM,J

Date: 21st December 2004.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chairman & Managing Director, A.P.Central Power Distribution company Limited (APCPCL) having its office at Singareni Bhavan, Hyderabad.

2. The Superintending Engineer, Operation, APCPDCL, Nalgonda at Nalgonda.

3. The Divisional Engineer, Electrical Operation, APCPDCL, Bhongir, Nalgonda District.

4. The Divisional Engineer, Electrical Operation, APCPDCL, Suryapet, Nalgonda District.

5. The Divisional Engineer, electrical Operation, APCPDCL, Miryalguda, Nalgonda district.

6. The Divisional Engineer, Electrical Operation, APCPDCL, Nalgonda, Nalgonda district.

7. The Secretary, A.P.Productivity Council, at Banjara Hills, Hyderabad.

8. Society for Employment Promotion and Training

in Twin Cities (SETWIN), a Govt. of A.P. Society,

at Purani Haveli, Hyderabad, through its Chairman and

Managing Director.

9.Two CD copies